



COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE

MAGISTRATE DR. GIANNELLA CAMILLERI BUSUTTIL

B.A., M.A. (Fin. Serv.), LL.D.

Today the 10th June 2024

Case Number: 43/2018

The Police
(Inspector Jonathan Cassar)

vs

Thomas Grima

The Court,

Having seen the charges brought against the accused **Thomas Grima**, twenty nine (29) years old, son of Peter and Anna Maria nee' Raniolo, born in Pieta on the twenty eighth (28th) of February of the year nineteen eighty nine (1989), residing at forty one (41), The Lodge, Triq ix-Xiber, Swieqi and holder of Identity Card number 127089M;

And charge him with having on the fourth (4th) March of the year two thousand and eighteen (2018), and/or the previous months on these Islands;

1. Had in his possession the psychotropic and restricted drug (ecstasy) without a special authorisation in writing by the Superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended, **which drug was found under circumstances denoting that it was not intended for his personal use;**

2. Had in his possession the drugs (cocaine) specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, when he was not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraphs 4 and 6 of the Ordinance, and when he was not licensed or otherwise authorised to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorised by the Internal Control of Dangerous Drugs Regulations (G.N.292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs were supplied to him for his personal use, according to a medical prescription as provided in the said Regulations, and this in breach of the 1939 Regulations, of the Internal Control of Dangerous Drugs (G.N.292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, **which drug was found under circumstances denoting that it was not intended for his personal use;**
3. Had in his possession (otherwise than in the course of transit through Malta or of the territorial waters thereof) the whole or any portion of the plant Cannabis in terms of Section 8(d) of Chapter 101 of the Laws of Malta, **which drug was found under circumstances denoting that it was not intended for his personal use;**
4. Had in his possession the psychotropic and restricted drug (LSD) without a special authorisation in writing by the Superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance Chapter 31 of the Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended, **which drug was found under circumstances denoting that it was not intended for his personal use;**
5. Had in his possession the psychotropic and restricted drug (amphetamine) without a special authorisation in writing by the Superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended, **which drug was found under circumstances denoting that it was not intended for his personal use.**

6. Had in his possession the psychotropic and restricted drug (Magic Mushroom) without a special authorisation in writing by the Superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended, **which drug was found under circumstances denoting that it was not intended for his personal use;**
7. Assaulted or resisted by violence or active force not amounting to public violence, against Police Officers PC 258 John Howard and PC 1564 Kyle Zammit, lawfully charged with a public duty when in the execution of the law or of a lawful order issued by a competent authority;
8. Caused a bodily harm of a slight nature as certified by Dr. Stephanie Galea Med. Reg. No 3974 of Floriana Health Centre on the person of PC 258 John Howard and PC 1564 Kyle Zammit, persons lawfully charged with a public duty, while in the act of discharging his duty or because of his having discharged such duty, or with intent to intimidate or unduly influence him in the discharge of such duty;
9. Disobeyed the lawful orders of any authority or of any person entrusted with a public service, or hindered or obstructed such person in the exercise of his duties, or otherwise unduly interfered with the exercise of such duties, either by preventing other persons from doing what they are lawfully enjoined or allowed to do, or frustrating or undoing what has been lawfully done by other persons, or in any other manner whatsoever, unless such disobedience or interference falls under any other provision of this Code or of any other law;

The Court is also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards to the expenses incurred by the Court appointed Experts.

Having also seen that this case was assigned to the presiding Magistrate in terms of the assignment of duties dated ninth (9th) March of the year two thousand and twenty three (2023)¹;

Having seen the records of the case, including the Order of the Attorney General of the fourth (4th) March of the year two thousand and eighteen (2018) in terms

¹ At fol. 433 of the acts of the proceedings

of sub-article (2) of Article 22 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and the Order of the Attorney General of the same date, in terms of sub-article (2) of Article 120A of the Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta to be tried before the Court of Magistrates as a Court of Criminal Judicature²;

Having seen that the accused pleaded not guilty to the charges brought against him;

Having heard the parties declare, during the sitting of the twelfth (12th) June of the year two thousand and twenty three (2023), that they were exempting the Court as presided from hearing again the evidence tendered before the Court as previously presided;

Having seen the request made by the defence on the twentieth (20th) of January of the year two thousand and twenty two (2022), by virtue of which it requested the Court to assume the functions of a Drug Court in terms of Section 8(3) of Chapter 537 of the Laws of Malta and consequently further requested the Court to authorise the accused to submit evidence for the purpose of proving to the satisfaction of the Court that the conditions laid down in Section 8(2) subsist;

Having seen that by virtue of a decree dated fourth (4th) October of the year two thousand and twenty two (2022)³ the Court as otherwise presided acceded to the request and assumed the functions of a Drug Court and referred the accused to the Drug Offenders Rehabilitation Board;

Having seen the note of the Drug Offenders Rehabilitation Board dated the twenty first (21st) November of the year two thousand and twenty three (2023), from where it results that the Board was satisfied with the rehabilitation process of the accused and that the accused closed his case successfully.

Having heard the testimony of the Registrar of Courts of the thirteenth (13th) March of the year two thousand and twenty four (2024) who stated that this is the only pending case of the accused.

Having heard the parties declare that they are relying on the facts of the case;

² At fol. 13 and 14 of the acts of the proceedings

³ At fol. 421 of the acts of the proceedings

Considers that:

The prosecution brought forward the following witnesses:-

Inspector Jonathan Cassar⁴ testified that on the fourth (4th) March of the year two thousand and eighteen (2018), Drug Squad personnel went to the area of St. Peter's Pool in Delimara because they had received information that there was an illegal party. Inspector Cassar stated that PS 1163 had approached the accused because the Police suspected that he was smoking a joint. However as soon as the accused saw PS 1163, he put the joint in the pocket of his jacket. Inspector Cassar stated that the accused also had a pouch with a considerable amount of drugs. The accused ran away but he was apprehended a few metres away. Inspector Cassar stated that during his arrest two police officers were slightly injured. However he explained that the accused did not voluntarily cause the injuries to the Police Officers but the injuries were sustained during the struggle.

Inspector Cassar also stated that the accused had thrown away his pouch but it was immediately retrieved by the Police. This pouch contained twenty two (22) self sealable sachets containing white powder suspected to be cocaine, fifteen (15) LSD blots inside a self sealable bag, one large self sealable bag containing fifty one (51) blue pills suspected to be ecstasy, one self sealable bag containing twelve (12) blue pills suspected to be ecstasy and seven (7) sealable bags containing a light brown substance, suspected to be amphetamine. Another sachet containing white powder was later found in his wallet.

Inspector Cassar testified that he had been immediately informed of his arrest and he instructed his personnel to conduct a search inside his residence, forty one (41), The Lodge, Triq ix-Xiber, Swieqi. A search was conducted and another thirty four (34) LSD blots, some *cannabis grass*, some magic mushrooms and some drug paraphernalia were found in his room. The witness further stated that the accused was subsequently interrogated in the presence of PS 1174 and his lawyer, and he admitted to the possession of the drugs but stated that the drugs were for his personal use because he stated that he was a heavy user. The accused denied ever trafficking in drugs or having these drugs with intent to supply. Inspector Cassar said that the accused had also identified his supplier.

⁴ At fol. 25 and 76 of the acts of the proceedings

Inspector Jonathan Cassar exhibited the statement of the accused marked as ‘Doc JC’, a photo spread marked as ‘Doc JC1’, another statement of the accused marked as ‘Doc JC2’ and two medical certificates marked as ‘Doc JC3’ and ‘Doc JC4’. Inspector Cassar also exhibited an evidence bag containing the drugs which were found on the accused’s person and in his pouch, marked as ‘Doc JC5’, an evidence bag containing a box with seeds found in his residence marked as ‘Doc JC6’, an evidence bag containing a Famous Five Book which had a secret compartment with various amounts of drugs marked as ‘Doc JC7’, an evidence bag containing one bag with suspected salt and an orange sealable bag with traces of cannabis marked as ‘Doc JC8’, an evidence bag containing suspected cannabis grass, white powder, sealable bags and the suspected magic mushroom marked as ‘Doc JC9’, an evidence bag containing a metal box with suspected cannabis grass marked as ‘Doc JC10’, an evidence bag containing digital scales, a crusher and rolling paper marked as ‘Doc JC11’, an evidence bag containing cultivation books, suspected cannabis seeds and other plant seeds marked as ‘Doc JC12’, an evidence bag containing one piece of paper marked as ‘Doc JC13’, an evidence bag containing one silver and blue colour metal case with suspected cannabis traces and one metal case containing one pill marked as ‘Doc JC14’, an evidence bag containing suspected cannabis grass and another suspicious substance marked as ‘Doc JC15’, an evidence bag containing twelve mobile phones, one which was found on his person and the others in his residence marked as ‘Doc JC16’ and a brown envelope containing five hundred and twenty euros (€520) in cash which were found in his jacket inside his room marked as ‘Doc JC17’.

Inspector Jonathan Cassar⁵ also exhibited two booklets containing photos of the objects seized from the accused, one pertaining to evidence seized on the spot during the arrest and the other one of the evidence seized from his residence which were marked as ‘Doc JC18’⁶ and ‘Doc JC19’⁷.

Deputy Registrar Oriana Deguara⁸ exhibited the transcript of the statement released by the accused on the fourth (4th) March of the year two thousand and eighteen (2018).

⁵ At fol. 77 of the acts of the proceedings

⁶ At fol. 78 of the acts of the proceedings

⁷ At fol. 83 of the acts of the proceedings

⁸ At fol. 120 of the acts of the proceedings

PS 1163 Frans Schembri⁹ testified that on the third (3rd) March of the year two thousand and eighteen (2018) he was instructed by Inspector Jonathan Cassar to go to Delimara, where an illegal party was being held. He was accompanied by PC 258 and PC 1440 and at around half past two in the morning (2.30 a.m.) he stopped the accused, because he suspected that he was smoking a joint. He stated that when the accused saw him, he put the cigarette in his pocket and he subsequently found a joint in the accused's pocket. The accused was given his legal rights and PS 1163 proceeded to conduct a search on his person. He stated that there was something rectangular in the pocket of the accused's trousers and when the Sergeant asked the accused what he had in his pocket, he started shouting 'no, no, no', pushed him and ran away. PS 1163 stated that he ran after the accused, together with PC 258 and PC 1440 and they stopped him.

PS 1163 testified that when the accused was on the floor, he threw away a pocket and this was retrieved by PC 258. PS 1163 explained that the accused had resisted the arrest and he was handcuffed. He testified that as soon as he opened the pocket, he found a blue Pall Mall cigarette packet containing a plastic bag with blue pills and a small bag containing suspected LSD. PS 1163 stated that he closed the pocket, put it in an evidence bag and sealed it in front of the accused and then he escorted him to the Police Headquarters. When they arrived at the Police Headquarters, PS 1163 opened the evidence bag and took out the pocket in front of the accused. He explained that inside the Pall Mall packet he found a plastic bag containing fifty one (51) blue pills and another bag containing twelve (12) blue pills. He also found seven (7) self sealable bags with a yellow brownish colour substance, suspected MDMA and another bag with twenty two (22) sachets containing white powder, suspected to be cocaine. PS 1163 stated that he informed Inspector Jonathan Cassar about the arrest and the seized objects. The witness was also shown the photos marked as 'Doc JC18' and he confirmed that the pouch shown in the photos is the same pouch that he had opened and in which he had found the drugs. He explained that he had put everything in evidence bags which were sealed in front of the accused.

PC 248 John Howard¹⁰ testified that on the third (3rd) March of the year two thousand and eighteen (2018), he was instructed to go to Delimara, with his

⁹ At fol. 140 of the acts of the proceedings

¹⁰ At fol. 144 of the acts of the proceedings

colleagues, because there was an illegal party. He stated that they found the area at half past two in the morning (2.30 a.m.). PC 248 explained that they saw a group of young people and they went to speak to them because PS 1163 noticed that one of them was holding a cigarette and he had tried to hide it when he saw the Police. This young person resulted to be the accused. PC 248 stated that PC 1440 and himself had stopped another person and they heard PS 1163 shouting that a person had ran away. The witness stated that they identified themselves as Police Officers and they started chasing the accused. He stated that they stopped the accused and as soon as he was on the ground, he threw away an object, which he described as being rectangular and dark in colour. PC 258 stated that he went to retrieve the object which resulted to be a pencil case and he handed it over to PS 1163. The witness stated that the accused was given his rights and he was taken to the Police General Headquarters. PC 258 stated that subsequently he went to the Floriana policlinic, together with PC 1564 because he was slightly injured in his hand and left knee. The witness was shown 'Doc JC18' and he identified the object shown in the picture, as the pocket that he retrieved after that he saw the accused throwing it away.

Under cross-examination, PC 258 confirmed that the accused did not hit them. He stated that all he knows is that he tried to escape, and that he slightly pushed, but not him personally. He stated that the accused had tried to run away and he did not stop when they told him that they were Police Officers. He stopped when they apprehended him. The witness also confirmed that they were in plain clothes and that the area was quite dark, but he stated that when they stopped the accused, they immediately identified themselves as Police Officers.

PS 1564 Kyle Zasmmit¹¹ testified that on the fourth (4th) March of the year two thousand and eighteen (2018) at half past two in the morning (2.30 a.m.), they went to Delimara where there was an illegal party. He stated that he heard other colleagues say 'police stop' and he saw them running. PS 1564 testified that they had stopped the accused. He also explained that he had some small injuries on his left hand. Under cross-examination, PS 1564 confirmed that the accused did not do anything to him. He stated that he sustained the injuries during the arrest.

¹¹ At fol. 149 of the acts of the proceedings

PS 579 Antoine Micallef¹² testified that on the fourth (4th) of March of the year two thousand and eighteen (2018) at about half past two in the morning (2.30 a.m.), he went to Delimara in the area of St. Peter's Pool, together with other colleagues from the Drug Squad. PS 579 testified that PS 1163 Frans Schembri had to carry out a search on the accused but the accused ran away and he was stopped by PS 1086 and PC 1564. PS 579 stated that whilst he was walking towards the place where the accused had been stopped, he saw a mobile phone on the rocks and he handed it over to PS 1163. Under cross-examination, PS 1163 stated that he does not recall the brand or the colour of this mobile phone.

PC 1440 Sergio Spiteri¹³ testified that on the fourth (4th) March of the year two thousand and eighteen (2018) they had received information that there was a party in the St. Peter's Pool area. He stated that at about half past two in the morning (2.30 a.m.) they arrived at the aforementioned place and PS 1163 stopped the accused to conduct a search on his person. The accused ran away and he saw him throwing a dark coloured pouch in the air. The accused was stopped by PC 1564 and he was given his rights. The pouch was recovered by PC 258 and the items found were given to the Inspector. PC 1440 testified that the party was outside on a rocky beach and there were about thirty or forty people. The witness was shown 'Doc JC 18' and he confirmed that he saw the accused throw away the pouch which is shown in the photo. Under cross-examination, the witness declared that he was about two metres away from the accused and that it was dark.

Godwin Sammut¹⁴ who was appointed by this Court in order to analyse the contents and substances in Doc JC5, JC6, JC7, JC8, JC9, JC10, JC11, JC12, JC13, JC14 and JC15 testified and exhibited his report which was marked as 'Dok GS'. From his report it transpires that Godwin Sammut was handed over an exhibit labelled as S/B/131/2018 by the Deputy Registrar Andre Azzopardi containing:-

(1) Evidence bag having the code N05242761 and labelled as JC5 containing (i) a blue pocket case, 2 pieces of paper, cigarette filter, cigarette packet containing 1 plastic bag and a plastic bag containing paper (ii) 1 plastic bag containing 51 blue pills and another plastic bag containing 12 blue pills (iii) 1 plastic bag containing 7 plastic

¹² At fol. 187 of the acts of the proceedings

¹³ At fol. 191 of the acts of the proceedings

¹⁴ At fol. 212 and 451 of the acts of the proceedings

bags with brown substance (iv) cigarette packet containing 22 plastic bags with white substance.

(2) Evidence bag having the code XL00026452 and labelled as JC6 containing (i) paper box containing several plastic bags and paper bags with seeds, empty plastic paper bags.

(3) Evidence bag having the code N05875891 and labelled as JC7 containing a yellow book with the title Famous Five- Five go off in a caravan. The book had missing pages and inside the book, there were (i) 2 plastic bags with seeds (ii) 1 plastic bag with 'LSD type' blotting paper (iii) 1 sachet with blue with blue powder (iv) 1 plastic bag with yellow substance and (v) 1 plastic bag with white powder.

(4) Evidence bag having the code S00366150 and labelled as JC8 containing (i) 1 empty orange plastic bag (ii) a piece of brown cloth (iii) 1 bag containing white crystalline powder.

(5) Evidence bag having the code L00366150 and labelled as JC9 containing (i) pieces of paper (ii) 3 plastic bags containing mushrooms (iii) 1 plastic bag containing green buds (iv) 2 plastic bags with traces of white powder

(6) Evidence bag having the code L00366151 and labelled as JC10 containing traces of green grass.

(7) Evidence bag having the code L00366149 and labelled as JC11 containing (i) 1 Cardboard box with the words Raw Cigarette Papers containing several packets of Raw cigarette papers (ii) crusher with traces (iii) weighing scale

(8) Evidence bag having the code L00366154 and labelled as JC12 containing (i) 2 books, 1 titled Indoor and Outdoor Growing Marijuana Made Easy and the other titled Marijuana Horticulture (ii) 1 metal box with the words St. Bruno Flake containing plastic bags with seeds (iii) 1 metal yellow small box with the words Amber Leaf containing plastic bag with seeds.

(9) Evidence bag having the code S01344600 and labelled as JC13 containing a piece of paper.

(10) Evidence bag having the code S01344599 and labelled as JC14 containing (i) a small metal box with the words Maclean Tablets containing 16 white tablets (ii) blue metal box with the words Farrah's Original Harrogate Toffee with traces of green/brown substance.

(11) Evidence bag having the code S01344638 and labelled as JC15 containing (i) packet of Raw cigarette papers (ii) 1 plastic bag containing traces of green grass and (iii) 1 plastic bag containing brown substance.

From the results obtained, the court expert concluded that :-

“(a) 3,4-methylenedioxymethamphetamine (MDMA) was found in the extracts taken from the blue pills that are in the exhibit labeled as as DOK JC5. The total number of blue pills were 63. MDMA is controlled under Part A of the Third Schedule of Chapter 31 of the Laws of Malta.

(b) 3,4-methylenedioxymethamphetamine (MDMA) was also found in the extracts taken from the brown crystalline substances and blue powder that are in the exhibits labeled as Dok JC5 and Dok JC7 respectively. The total number of plastic bags with the brown crystalline substances was 7. The total weight of the brown crystalline substances was 2.62g while the weight of the blue powder was 0.38g.

(c) Extracts taken from the white powder that are in the exhibit labeled as DOK JC5 resulted positive for Cocaine. The total number of plastic bags with the white powder was 22 and the weight of the white powder was 7.82g. The purity of the cocaine in the white powder was approximately 21%. Cocaine is controlled under Part 1 of the First Schedule of Chapter 101 of the Laws of Malta.

(d) Cocaine was also found in the extract taken from the white powder that is in the exhibit labeled as Dok JC7 and Dok JC9. The weight of the white powder was 0.43g.

(e) Extracts taken from the green buds that are in the exhibit labeled as DOK JC9 resulted positive for Tetrahydrocannabinol (THC). The total weight of the green buds were 19.47g and the purity of THC in the buds was approximately 21%. THC was also found in the extracts taken from the crusher and the green grass that are in the exhibit labeled as DOK JC11 and DOK JC15.

PS 385 Emanuel Dalli¹⁵ testified that on the fifth (5th) March of the year two thousand and eighteen (2018), he was instructed by Inspector Jonathan Cassar to go to his office where he photographed several objects. He confirmed that he took the photos marked as ‘Doc JC 18’ and ‘Doc JC 19’.

PS 364 David Borg¹⁶ testified that on the third (3rd) March of the year two thousand and eighteen (2018) he had conducted a search in the bedroom of the accused at his residence 41, The Lodge, Triq ix-Xiber, Swieqi, together with his colleagues PC 1124, PC 101 and WPS 4. PS 364 testified that from the bedside table he seized a bag which contained a white substance which was suspected to be salt and from the dustbin he had seized one orange sealable bag with traces suspected to be cannabis grass and another plastic bag with traces suspected to be cannabis grass. From the desk he seized one Motorola mobile phone and a piece of paper. From the windowsill he seized a metal box with traces suspected to be cannabis grass. From another desk he seized one sealable bag with suspected traces and one sealable bag with a substance. PS 364 testified that there were other drug related items which were seized by PC 1124, PC 101 and WPC 4. The witness stated that they had informed the Inspector and escorted the accused back to the Police General Headquarters for further investigation. The items seized were handed over to the Inspector. The witness was also shown ‘Doc JC 19’ and he confirmed that the items shown in the photos are the items that they had seized. He recognised the evidence bags with his signature and the signature of PC 1124 and PC 101.

PC 101 Ruznai Gaffarena¹⁷ testified that on the fourth (4th) March of the year two thousand and eighteen (2018), PS 364, PC 1124, WPC 4 and himself were instructed to conduct a search at the accused’s residence 41, The Lodge, Triq ix-Xiber, Swieqi. He stated that he conducted a search in his bedroom and he found a small packet with yellow pills, a small packet with white powder suspected to be cocaine, a small packet with thirty four (34) pills suspected to be LSD, a small packet with *cannabis resin*, a small packet with four (4) cannabis seeds, a small packet with blue pills, a small packet with cannabis resin and a small packet with cannabis seeds. PC 101 testified that under the bed they also found a small metal

¹⁵ At fol. 213 of the acts of the proceedings

¹⁶ At fol. 215 of the acts of the proceedings

¹⁷ At fol. 219 of the acts of the proceedings

box containing cannabis seeds and another small metal box containing cannabis resin. They also found two books related to the cultivation of cannabis and two black iphones. Then they escorted the accused to the Police Headquarters for further investigation. The witness was shown the photos inserted at fol 83 to fol 109 of the acts of the proceedings and he identified the objects shown in the photos as the objects they had found when they conducted the search.

PC 1124 Steve Borg¹⁸ testified that on the fourth (4th) of March of the year two thousand and eighteen (2018) they were instructed by Inspector Cassar to conduct a search at the accused's residence. He started searching on the left side of his bedroom, where he found a measuring scale, a crusher with traces of cannabis and three mobile phones. He also found three (3) big sealable bags containing magic mushrooms, inside a grey jacket, a big bag containing a white substance suspected to be cocaine, a bag with suspected cannabis grass and five hundred and twenty euros in cash. He also found a small sealable bag containing cannabis grass inside a laptop case. He was shown the photos marked as 'Doc JC 19' and he identified the objects which he had seized.

WPC 4 Charise Camilleri¹⁹ testified that on the fourth (4th) March of the year two thousand and eighteen (2018) she had been instructed by Inspector Jonathan Cassar to conduct a search at the accused's residence, 41, The Lodge, Triq ix-Xiber, Ibraġġ, where items related to drug abuse and different substances were found in the bedroom by PS 364, PC 101 and PC 1124. WPC 4 testified that she found another two mobile phones, an iphone and a Samsung, which were in a green bag under the window. The accused was subsequently escorted to the Police General Headquarters and the items seized were given to Inspector Cassar.

The defence exempted²⁰ the prosecution from summoning **PS 1174 Adrian Sciberras** to testify with regards to the statements released by the accused.

Dr. Martin Bajada²¹ who was appointed by this Court to download the contents of the mobile phones exhibited in the evidence bag marked as 'Doc JC16' and

¹⁸ At fol. 227 of the acts of the proceedings

¹⁹ At fol. 230 of the acts of the proceedings

²⁰ At fol. 277 of the acts of the proceedings

²¹ At fol. 287 of the acts of the proceedings

the mobile phone Samsung and also to obtain the call profiles, testified and exhibited his report which was marked as 'Doc MB'.

PS 1086 Johann Micallef²² testified that during the night between the third (3rd) and fourth (4th) March of the year two thousand and eighteen (2018) they had received information that an illegal party was going to be held near St. Peter's Pool. He testified that at around half past two in the morning (2.30 a.m.) he went on site and he saw the accused running away from PS 1163. He explained that PC 1564 and himself had stopped the accused and he had seen the accused throwing away a green pouch which was collected in front of him. The accused was arrested and on his person, a black wallet was found containing a sachet containing white powder. A packet of Old Holborn tobacco, containing twenty two (22) self sealable bags with white powder and a sealable bag containing fifteen (15) suspected LSD, was found inside the pouch. A blue Pall Mall cigarettes packet containing one self sealable bag containing fifty one (51) blue pills and one self sealable sachet containing twelve (12) blue pills and another seven (7) sealable sachets containing a brown substance were also found inside the pouch.

Dr. Stephanie Palmier²³ confirmed that the medical certificate marked as 'Doc JC3' had been issued by herself on the fourth (4th) March of the year two thousand and eighteen (2018) at half past three in the morning (3.30a.m.) at the Floriana Health Centre. Dr. Palmier testified that she had examined Kyle Zammit who had pain and swelling over his third and fourth fingers of the left hand. X-rays were done and showed no fractures or dislocations and therefore she had certified the injuries as minor injuries save complication.

The Defence brought forward the following witnesses :-

Dr. Roberta Holland²⁴ testified and exhibited her report marked as 'Doc RH'. In her report she concluded that the accused was dependent on drugs since the age of sixteen (16) years until shortly after his arrest in March of the year two thousand and eighteen (2018). At a younger age he was dependent on cannabis and ecstasy whereas at a later stage, periodically he was also dependent on

²² At fol. 318 of the acts of the proceedings

²³ At fol. 330 of the acts of the proceedings

²⁴ At fol. 380 of the acts of the proceedings

cocaine. Over the years he also made harmful use of other substances including heroin, other stimulants and psychotropic medication without a prescription. During the months before his arrest, he was mainly dependent on cannabis and cocaine, which use had been extensive and compulsive. Dr. Holland concludes that according to the DSM-5 diagnostic criteria, the level of Substance Use Disorder was a severe one. She also concluded that it is evident that the index offence was well correlated with the accused's lifestyle at the time, which lifestyle was predominated by his dependence on cocaine, cannabis and other substances. Dr. Holland further concluded that it clearly and objectively appears that the accused has significantly improved his situation and has made considerable progress in his rehabilitation.

Dr. Edward Curmi²⁵ testified that he had regular therapy sessions with the accused since July of the year two thousand and nineteen (2019). He explained that the accused was going through various issues related to his sexuality and that he has an addictive nature and this led to him experimenting with various types of drugs. However he said that the accused had since then continued his studies, attended rehabilitation programmes and settled down in a stable relationship.

The **accused** released two statements to the Police. In his first **statement** dated fourth (4th) March of the year two thousand and eighteen (2018), for which statement the accused's lawyer was also present, the accused confirmed that when he was stopped by the Police, he was smoking a *cannabis* joint. He stated that he ran away because he was not aware that the persons who were going to search him were Police Officers because they had not informed him. He explained that he later realised that he was surrounded by plain clothes Police Officers. With regards to the pouch found in his possession, the accused stated that he had picked up the pouch when he arrived at the party. He stated that the drugs were for his personal use because he has a bad drug problem which he has been fighting for over ten years. With regards to the contents of the pouch, the accused stated that the yellowish substance is a type of amphetamine and he confirmed that the blue pills are ecstasy and that the fifteen blots are LSD. The accused stated that his intentions were to supply himself for several months and never buy again. He stated that a certain Fabian Catania had supplied him these drugs during the private event and that he had contacted him on Whats App and they had agreed to meet at the event. He stated that he paid around nine hundred euros (€900). He

²⁵ At fol. 410 of the acts of the proceedings

also stated that he was made aware that the two policemen who were chasing him got injured.

The accused further explained that his drug addiction had been going on for at least ten years. He stated that there were periods of time when he was clean but then he relapsed and at times his drug use became heavier. He explained that he had been taking about a gram of cocaine every evening. He stated that he was hiding this from everyone because he wanted to escape from what was going on in his head. He stated that he never sought any help from professionals because he always thought that he could handle it himself.

The accused also explained that it was the first time that he had bought from this supplier. He confirmed that the drugs which were found following his arrest were the drugs he bought from his supplier but that he had on other occasions bought from his runners. With regards to the seeds found in his residence, the accused stated that these were flower, vegetable and fruit seeds because he has a seed collection. He also stated that the cannabis grass found in his residence was for his personal use and that he also had *cannabis* seeds. He also stated that the box containing white pills had the original contents of the box. He also explained that he uses the measuring scale to measure things because he is a scientist.

With regards to his supplier, the accused stated that he has been in contact with his supplier for one month and that he only bought one other time from him. He stated that he had paid around one hundred or two hundred euros for the cannabis grass. The accused was then shown a photo spread and he identified the person in the photo marked as number two (2) as his supplier.

The accused also stated that the five hundred and twenty euros which were found in his jacket at home were related to his work. He also confirmed that he had magic mushrooms in his jacket. The accused further stated that he needs help with his drug problem and that he never sold drugs. The accused chose to sign the photo spread. However he stated that he needs time to think about whether he wants to confirm the statement on oath before a Magistrate because there could be repercussions.

The accused also released a **second statement** to the Police on the fifth (5th) March of the year two thousand and eighteen (2018), after that he was given the right to seek legal advice and even to have his lawyer present during the interrogation. The accused was asked to explain what he meant when he told the

Sergeant who arrested him “Let’a make a deal” and he explained that he wanted to show the Police that he was willing to cooperate. He stated that he was unaware of Article 29 so by a deal he meant Article 29 and nothing else. When he was asked to confirm that the Police Officer had informed him that what he was doing was illegal, the accused stated that the Police Officer had shouted to him in Maltese, which he barely understands, but he stated that possibly that is what he had told him. He also stated that by deal, he meant that he wanted to give them his supplier.

Considers further that:-

The first (1st) and second (2nd) charge

In terms of the first (1st) and the second (2nd) charge, the accused is being charged with possession of the drugs ecstasy and cocaine, in circumstances denoting that they were not intended for his personal use.

From the evidence presented, it clearly results that the accused was found red-handedly in possession of illegal substances, by PC 258 John Howard, PS 1163 Frans Schembri and PS 1086 Johann Micallef. The analyst Godwin Sammut confirmed that the substances found in the accused’s possession were MDMA and cocaine. On his part, the accused is not denying that the drugs ecstasy and cocaine were found in his possession on the night in question, but claims that these drugs were solely intended for his personal use and he denies that he had any intention of selling the said drugs.

After having analysed the evidence adduced, the Court finds that it has been proved beyond reasonable doubt that these drugs were found in the accused’s possession. However, the Court must proceed to consider and determine whether it has been proved to the degree required by law that the said substances were not intended for the accused’s exclusive use. As held by the Court of Criminal Appeal in its judgement of the second (2 nd) September of the year nineteen ninety nine (1999), in the names **Il-Pulizija vs Carmel Spiteri** :

“meta l-ammont ta’ droga ikun pjuttost sostanzjali, din tista’ tkun cirkostanza li wahedha tkun bizzejjed biex tissodisfa lill-qorti li dak il-pussess ma kienx għall-uzu esklussiv tal-hati”.

In the case **Il-Pulizija vs. Anthony Frendo** decided by the Court of Criminal Appeal on tenth (10th) April of the year two thousand and eight (2008) it was also held:

“...taqbel ukoll mall-Ewwel Qorti li huwa sinifikanti li nstabu tmin boroż li d-daqs taghhom hu kwazi ezatt u li kienu jikkontjenu l-eroina w dan f' post sensittiv hafna w cioe' proprju vicin id-Detox Centre. Din il-Qorti, bhall-Ewwel Qorti tara li ma kienx hemm raguni ghala l-appellant kellu joqghod jigri barra bi tmin sachets proprju qrib id-Detox Centre fejn hu risaput li tant zaghzagh li ghandhom il-vizzju tad-droga jmorru ghall-kura. Ghalhekk anki hawn l-Ewwel Qorti kellha kull dritt li tasal ghall-konkluzzjoni li waslet ghalha w cioe' li c-cirkostanzi kienu tali li jindikaw li dak il-pussess tad-droga eroina ma kienx ghall-uzu esklussiv tal-appellant. Ghalhekk l-ewwel aggravju qed jigi respint.”

However, as stated by the Court of Criminal Appeal in its judgement of the twenty third (23rd) May of the year two thousand and two (2002), in the names **Il-Pulizija vs Brian Caruana**:

“kull kaz hu differenti mill-iehor u jekk jirrizultawx ic-cirkostanzi li jwasslu lill-gudikant ghall-konvinzjoni li droga misjuba ma tkunx ghall-uzu esklussiv tal-akkuzat, fl-ahhar mill-ahhar hija wahda li jrid jaghmilha l-gudikant fuq il-fattispecji li jkollu quddiemu w ma jistax ikun hemm xi “hard and fast rule” x'inhuma dawn ic-cirkostanzi indikattivi. Kollox jiddependi mill-assjem tal-provi w mill-evalwazzjoni tal-fatti li jaghmel il-gudikant u jekk il-konkluzzjoni li jkun wasal ghalha il-gudikant tkun perfettament raggungibbli bl-uzu tal-logika w l-buon sens u bazata fuq il-fatti, ma jispettax lil din il-Qorti li tissostitwiha b'ohra anki jekk mhux necessarjament tkun l-unika konkluzzjoni possibbli”.

In this case, first and foremost, the Court notes that the total amount of drugs found in the accused's possession when he was apprehended by the Police, that is, sixty three (63) ecstasy pills and 8.25 grams cocaine is clearly not an insignificant amount and clearly not one which is normally associated with personal use. Furthermore the Court considers that from the report of the analyst Godwin Sammut, it transpires that the cocaine was divided into twenty two bags

of similar weight - 0.35g, 0.29g, 0.37g, 0.38g, 0.34g, 0.35g, 0.33g, 0.36g, 0.34g, 0.35g, 0.39g, 0.37g, 0.36g, 0.36g, 0.36g, 0.36g, 0.38g, 0.36g, 0.37g, 0.35g, 0.34g. It also results that the ecstasy pills were divided into two bags containing fifty one (51) pills and twelve (12) pills and that the brown crystalline substance which tested positive for MDMA was also divided in seven (7) plastic bags of similar weight – 0.24g, 0.40g, 0.39g, 0.40g, 0.40g, 0.40g and 0.39g.

The Court also notes that the accused was in possession of these different illegal substances in the early hours of the morning when he was outside of his residence and when he was at a party where there were a lot of young people. The Court further notes that in his statement, the accused stated that he had picked up the pouch containing the drugs when he arrived at the party and that his intention was that of acquiring supplies for himself for several months. This begs the question as to why the accused had chosen to acquire and carry his whole supply of drugs at a party when he could have acquired it on another day and taken it to his residence straight away. The Court considers the accused's assertion in his statement that he had just acquired the substances at the party, and that these substances had to last him for several months, as being very unlikely and lacking in credibility. The Court also considers that even though from the acts of the proceedings it results that the accused was dependent on drugs at the time, this does not serve as a justification, not even to a degree of probability, that the amount of drugs found in his possession was intended for his personal use. There was no reason for the accused to be out and about at a party, carrying sixty three (63) ecstasy pills and 8.25 grams cocaine, divided into bags of similar weight, had these been solely intended for his personal use.

Taking into consideration these circumstances, the Court concludes that the prosecution managed to prove beyond reasonable that the accused was in possession of the said drugs in circumstances denoting that the said drugs were not intended for his personal use, The Court therefore deems that the first (1st) and second (2nd) charges brought against the accused have been proved to the degree required by law.

The third (3rd) charge

In terms of the third (3rd) charge, the accused is being charged with having on the same date, had in his possession *cannabis grass*, in circumstances denoting that it was not for his personal use. The analyst Godwin Sammut confirmed that:-

“Extracts taken from the green buds that are in the exhibit labeled as Dok JC9 resulted positive for Tetrahydrocannabinol (THC). The total weight of the green buds were 19.47g and the purity of THC in the buds was approximately 21%. THC was also found in the extracts taken from the crusher and the green grass that are in the exhibit labeled as Dok JC11 and Dok JC15.”

After taking into consideration all the circumstances of this case and in view of the fact that the accused was found in possession of different drugs in quantities, which are not normally associated with personal use, the Court deems that the third (3rd) charge brought against the accused has also been proved to the degree required by law.

The fourth (4th), fifth (5th) and sixth (6th) charges

In terms of the fourth (4th), fifth (5th) and sixth (6th) charges, the accused is being charged with having on the same date, had in his possession the drug LSD, amphetamine and magic mushrooms in circumstances denoting that these were not for his personal use.

From the analysis performed by Godwin Sammut, it transpires that the substances found in the following documents were not illegal:- the document given the laboratory code 088_19_01(3) containing 0.23 grams of a yellow substance, the document given the laboratory code 088_19_01(3) containing blotting paper, the document given the laboratory code 088_19_01(4) containing 212.66g of white crystalline powder, the document given the laboratory code 088_19_01(5) containing 12.5 grams of mushrooms, the document given the laboratory code 088_19_01(6) containing 0.43 grams of white powder, the document given the laboratory code 088_19_01(7) containing a scale, the document given the laboratory code 088_19_01(10) containing a white tablet, the document given the laboratory code 088_19_01(10) containing traces of a green substance and the document given the laboratory code 088_19_01(11) containing a brown

substance. Hence the accused will be acquitted of the fourth (4th), fifth (5th) and sixth (6th) charges proffered against him.

The seventh (7th) charge

The seventh charge brought against the accused is that he assaulted or resisted by violence or active force not amounting to public violence, PC 258 John Howard and PC 1564 Kyle Zammit, persons lawfully charged with a public duty when in execution of the law or of a lawful order issued by a competent authority. This charge refers to Article 96 of the Criminal Code.

For this crime to subsist the act of resistance must necessarily be accompanied by violence and not mere inaction. As was stated by the Court of Criminal Appeal in the case **Il-Pulizija vs Carmel Abela**, decided on the fourteenth (14th) November of the year nineteen forty nine (1949):

“... Meta l-imputat irrifjuta persistenetment li imur l-Ghassa, beda jezcercita grad mhux riprovevoli ta’ koazzjoni fizika, allura l-imputat, partikolarment, barra li jinthabat, beda jaghti lill-kuntistabbli b’minkbu fuq sidru ghamel rezistenza skond il-ligi, li hija kristalizzata fil-massima antika imsemmija mill-Carmigniani fl-“Elementi”, pag.865 “resistere est cum lictoribus pugnare” u “pugnare” ghandha tigi interpretata precizament fis-sens li ghall-forza fizika ta’ l-awtorita pubblika l-privat jikkontraponi forza fizika kuntrarja.”

According to Judge William Harding presiding over the Criminal Court in the case **Il-Pulizija vs John Mallia** decided on the twenty first (21st) May of the year nineteen sixty (1960):

“Jekk wiehed jindahal fid-doveri tal-pulizija u juza mhux biss “vie di fatto”, imma vjolenza effettiva allura hu jkun hati ta’ attakk u rezistenza lill-Pulizija a differenza tal-kaz, fejn ikun hemm semplici kliem oltragguz jew semplici minacci jew “mera inazione”. Fil-kaz tal-persuna li tkun f’ idejn il-Pulizija jista’ talvolta jkun hemm certa tolleranza, billi dik il-persuna tkun qeghda tirrezisti lill-Pulizija ghax tkun spinta mix-xewqa naturali tal-liberta’ propja: imma din it-tolleranza tispicca malli dik il-persuna tispingi jdejha fuq il-membri

tal-Pulizija li jkunu qeghdin izommuha biex toffendihom fil-persuna taghhom u tmur oltre s-semplici sforz biex tevadi l-arrest”.

The Court also refers to a judgement of the Court of Criminal Appeal in the case **Il-Pulizija vs Lawrence Attard** decided on the twelfth (12th) September of the year nineteen ninety six (1996) whereby it was held as follows:

“biex jissussisti – reat ikkontemplat fl-artikolu 96 tal-Kodici Kriminali (re:attakk jew rezistenza kontra ufficjal pubbliku) irid ikun hemm mhux biss attakk jew oppozizzjoni ossia rezistenza kontra persuna inkarigata skond il-ligi minn servizz pubbliku, izda ukoll li dana l-attakk jew rezistenza isir bi vjolenza jew b’ hekk u jsir waqt li dik il-persuna tkun tagixxi ghall-ezekuzzjoni tal-ligi jew ta’ ordni moghti skond il-ligi mill-awtorita’ kompetenti. Meta ufficjal tal-pulizija jintima li jkun ser jarresta lil xi hadd, jew ikun effettivament qed jipprocedi biex jarresta lil xi hadd, jew ikun effettivament qed jipprocedi biex jarresta lil xi hadd, jew ikun ga’ arresta u qed izomm lil xi hadd arrestat, huwa jkun certament qieghed jezegwixxi l-ligi. Izda meta ufficjal tal-pulizija jkun qieghed jipprova jipperswadi lil xi hadd bil-kelma t-tajba sabiex iwarrab minn fuq il-post u ghalhekk minghajr ma dak il-pulizija jezercita s-setgha tieghu li jarresta, ma jistax jinghad li dak il-pulizija jkun qed jagixxi “ghall-ezekuzzjoni tal-ligi” fis-sens ta’ l-artikolu 96, ghalkemm huwa jkun qieghed jaghmel is-servizz pubbliku tieghu fis-sens ta’ l-artikolu 95.

The Court also refers to a judgement delivered by the Court of Criminal Appeal in the names **Il-Pulizija vs Sean Sinclair Pace** on the twenty sixth (26th) May of the year two thousand and sixteen (2016) whereby it was stated as follows:-

“L-artikolu 96, imbaghad ghalkemm ukoll ghandu bhala vittma, l-ufficjal Pubbliku, jikkontempla tlett elementi essenzjali ghal kostituzzjoni ta’ dan ir-reat:

1. Fl-ewwel lok, irid ikun hemm l-attakk jew resistenza. Illi meta ikun hemm biss disubbidjenza tal-ligi jew ta’ ordni moghtija minn xi awtorita’, ma tistax tissussti r-reita’ taht din id-disposijoni tal-ligi. Il-Mamo ikompli jghid: “It is only when the insubordination or defiance goes so far as to obstruct the execution of the law or of lawful orders

of the competent authority that the crime of attack or resistance can arise. The purpose of the agent in this crime, therefore, must be precisely that of obstructing or frustrating the execution of the law or the lawful orders of the competent authority, by opposing the action of those charged therewith.” Fin-nuqqas ta’ dana jista jissussiti biss ir-reat ikkontemplat fl-artikolu 95 biss. Inoltre l-attakk jew resistenza trid tkun necessarjament akkompjanta bl-uzu tal-forza, vjolenza jew bil-hebb.

2. Fit-tieni lok ir-reat irid jigi kommess fil-konfront ta’ Ufficjal Pubbliku jew kif tghid testwalment il-ligi “persuna inkarigata skond il-ligi minn servizz Pubbliku”.

3. Fl-ahharnett huwa necessarju illi l-attakk jew resistenza kontra l-ufficjal Pubbliku irid isir filwaqt illi huwa ikun qiegħed jagixxi għall-ezekuzzjoni tal-ligi jew ta’ ordni mogħtija skond il-ligi minn awtorita’ kompetenti. Il-Mamo ikompli ighid: “Therefore, any violence committed after the law or the order had already been executed, even though it may be on account of such execution, would not give rise to this crime.”

The Court noted that although PC 258 John Howard and PC 1564 Kyle Zammit stated that the accused ran away, and that he only stopped when they apprehended him, none of them indicated that any physical force had been used against them. The Court further notes that although PC 258 John Howard states that he was slightly injured in his hand and left knee, he states under cross-examination that the accused did not hit them. Similarly, although PC 1564 states that he had some small injuries on his left hand, under cross-examination, he stated that the accused did not do anything to him, and that he sustained the injuries during the arrest.

Therefore this Court deems that the slight physical injuries sustained by the Police Officers when executing the arrest, were not the result of an intentional or wilful violent act of the accused at the moment in time when he was arrested.

In view of the foregoing, this Court deems that the elements of this crime cannot be deemed to subsist.

The eighth (8th) charge

The eighth charge brought against the accused is that on the date of the incident he caused a bodily harm of a slight nature on the person of PC 258 John Howard and PC 1564 Kyle Zammit, persons lawfully charged with a public duty, while in the act of discharging their duty or because of them having discharged such duty, or with the intent to intimidate or unduly influence them in the discharge of such duty. This charge relates to the offence in Article 95 of the Criminal Code.

As already indicated above, the slight physical injuries sustained by the Police Officers when executing the arrest, were not the result of an intentional or wilful violent act of the accused at the moment in time when he was arrested. Therefore the accused cannot be found guilty of the said charge.

The ninth (9th) charge

The ninth (9th) charge relates to the contravention stipulated in Section 338(ee) of the Criminal Code which entails disobeying the lawful orders of any authority or of any person entrusted with a public service or the hindrance or obstruction of such person in the exercise of his or her duties, or the otherwise undue interference with the exercise of such duties.

From the evidence of PC 258 John Howard, it results that the accused did not stop when PC 258 and his colleagues informed him that they were Police Officers and told him to stop running. In fact PC 258 states that the accused only stopped when they apprehended him. The Court therefore deems that the accused disobeyed an order made by a person entrusted with a public service and the accused is being found guilty of this offence.

Considerations on punishment

As regards the punishment to be inflicted, the Court took into consideration the nature and the seriousness of the offences of which the accused is being found guilty, the quantity of drugs as indicated above, which certainly cannot be regarded as insignificant and the updated clean conviction sheet of the accused.

It is also taking into consideration the fact that this Court assumed the functions of a Drug Court, that the accused was referred to the Drug Offenders Rehabilitation Board, and that the Board was satisfied with the process of rehabilitation of the accused and considered the case as being successfully terminated.

The Court also took into account that from the evidence brought forward in these proceedings it transpires, at least on a balance of probabilities, that the offences of aggravated possession of ecstasy, cocaine and cannabis of which the accused is being found guilty, were mainly attributable to his drug dependence. Therefore, this Court is satisfied that the criterion mentioned in Article 8(7) of the Drug Dependence (Treatment not Imprisonment) Act, Chapter 537 of the Laws of Malta, results in this case, and therefore in terms of the same subarticle, is refraining from applying the mandatory minimum term of imprisonment, or the exclusion of the application of a probation order or of the suspension of a term of imprisonment.

For the purpose of the punishment to be inflicted, the Court is also applying the provisions of Section 17 of the Criminal Code, Chapter 9 of the Laws of Malta.

Decide

For these reasons, the Court after having seen Sections 40A, 120A(1)(a) and 120A(2)(b)(i) of the Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta, Regulations 2, 3(1) of the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended, Parts IV and VI, Sections 8(d) and 22(1)(a), 22(2)(b)(i) of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, Regulations 2 and 9 of the Internal Control of Dangerous Drugs Rules, Government Notice 292 of 1939, as amended, Article 8 of the Drug Dependence (Treatment not Imprisonment) Act, Chapter 537 of the Laws of Malta, Sections 17, 31, 95, 96, 338(ee) and 533 of the Criminal Code, Chapter 9 of the Laws of Malta, finds the accused **Thomas Grima** not guilty of the fourth (4th), fifth (5th), sixth (6th), seventh (7th) and eighth (8th) charges proffered against him and acquits him thereof and finds him guilty of the first (1st), second (2nd), third (3rd) and ninth (9th) charges brought against him and condemns him to two years imprisonment, which by application of Article 28A of the Criminal Code, Chapter 9 of the Laws of Malta, is being suspended for a period of three (3) years from today and a fine (multa) amounting to two thousand and six hundred euros (€2600), which fine (multa) can be paid within a period of fourteen (14) months from today by means of monthly installments each amounting to two hundred euros (€200), with the first payment becoming due within a month from today. Should the accused fail to pay any one or more installments, the whole amount outstanding shall become immediately due and payable, and all the provisions of the Criminal Code, Chapter 9 of the Laws of Malta, applicable to the imposition

of a fine (multa) and to the imprisonment in default of payment thereof, shall apply accordingly.

The Court explained to the person sentenced, in clear and simple terms, the legal consequences of this judgement, should he commit any other offence punishable by imprisonment within the operative period of the suspended sentence.

In terms of Section 533(1) of the Criminal Code, Chapter 9 of the Laws of Malta, the Court condemns the person sentenced to the payment of expenses relating to experts appointed by the Court during these proceedings, namely, the expenses relating to the appointment of experts Dr. Godwin Sammut²⁶, Dr. Martin Bajada²⁷ and Dr. Roberta Holland²⁸ amounting to the sum of three thousand four hundred and sixty nine euros and thirty five euro cents (€3469.35), which costs shall be paid by the person sentenced within twelve (12) months from today.

The Court orders that in terms of subarticle (8) of Article 8 of the Drug Dependence (Treatment not Imprisonment) Act, Chapter 537 of the Laws of Malta, these offences shall not be taken into consideration for the purposes of the issue of a conduct certificate under the Conduct Certificates Ordinance.

Orders the destruction of the drugs exhibited in these proceedings, once this judgement becomes final and definitive, under the supervision of the Registrar, who shall draw up a *proces verbal* documenting the destruction procedure. The said *proces verbal* shall be inserted in the records of these proceedings not later than fifteen (15) days from the said destruction.

Magistrate Dr. Giannella Camilleri Busuttil

Deputy Registrar Michela Deguara

²⁶ From Dr. Godwin Sammut's report marked as Doc GS and inserted at fol. 212 of the acts of the proceedings, it results that the expenses amount to Eur 514.57.

²⁷ From Dr. Martin Bajada's report marked as Doc MB and inserted at fol. 289 of the acts of the proceedings it results that the expenses amount to Eur 2442.60

²⁸ From Dr. Roberta Holland's report marked as Doc RH and inserted at fol. 386 of the acts of the proceedings it results that the expenses amount to Eur 512.18